

REMARKS

Claims 1-42 remain in this application, of which Claims 4-12, 15, 17 and 21-32 have been withdrawn from examination as being directed to non-elected species. Claims 1-42 have been amended to define still more clearly what Applicant regards as his invention, in terms that distinguish over the art. Of the claims under consideration, Claims 1, 2, 13, 18-20 and 33 are independent.

Claims 1-3, 19, 20 and 33-42 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,520,964 (Tallarida et al.), and Claims 13, 14, 16 and 18, as being anticipated by U.S. Patent 5,800,550 (Sertich).

The background and purpose of the present invention has been discussed in adequate detail in Applicant's previous Amendment, and it is not deemed necessary to repeat that discussion in detail. Suffice it to say that, as a particularly important aspect of the present invention is to provide surgical implants, and a kit of such implants, of a sort structured appropriately for use in rhinoplastic procedures. Accordingly, the independent claims have each been amended to specify that the implants in question are of that nature, and this has been done by introduction of the word --rhinoplastic-- into those claims.¹

In particular, Claim 1 is directed to a rhinoplastic surgical implant having a connector element. That connector element includes an element selected from the group consisting of (1) a female connector element and (2) a male connector element, those male and female connector elements being respectively shaped such as to be snappingly attachable to each other. (As mentioned in Applicant's previous Amendment, the term "snappingly attachable", while it does encompass the manner of engagement described above, does not include every type of engagement in which friction occurs, or in which some deformation of one or both elements occurs.)

^{1/} It is to be understood, however, that Applicant does not in any way disclaim any aspect of his invention.

Neither of the documents relied upon in the outstanding Office Action has anything to do with rhinoplasty, and thus neither teaches, or even hints at, the structure claimed in Claim 1.

Tallarida relates to a system for joint resurface repair, in which an element 41 can, in one embodiment, be secured to a fixation screw 10 by means of snap fit (col. 11, lines 20-23). As far as Applicant can see, nothing else in this patent has to do with a snap fit, and nothing at all has to do with rhinoplasty or with implants suitable for use in a rhinoplastic procedure. Accordingly, Claim 1 is believed to be clearly allowable over *Tallarida*.

Independent Claims 2 and 20 are believed to be clearly allowable over *Prescott '157* for at least the same reasons as is Claim 1.

Independent Claim 13 is directed to a strut that has at least one connector element. The connector element includes an element selected from the group consisting of (1) a female connector element and (2) a male connector element, the male and female connector elements being respectively shaped such as to be snappingly attachable to each other.

Sertich relates to an implant for use in spinal surgery, of a type known as an interbody fusion cage. The cage 30 includes an arrangement in which the turning of a screw causes pegs 70 to be extruded out the top and bottom of the cage 30, and into the bone above and below the cage. When the pegs 70 are sufficiently far out, springs 86 move through their own resilience into recesses provided for that purpose, securing the cage in place. Nothing has been found, or pointed out, in *Sertich*, however, that would teach or suggest anything having to do with any surgical implant suited for use in a rhinoplastic procedure.

For these reasons, it is believed that Claim 13 also is plainly allowable over *Sertich*.

Independent Claim 33 is directed to a rhinoplastic surgical kit comprising a first surgical implant having a first connector element, and a second surgical implant having a second connector element. According to Claim 33, the first and second connector elements are adapted to engage each other in such manner as to secure themselves together.

Claim 33 is also believed to be clearly allowable over these patents for the same reasons as are Claims 1 and 13.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims under consideration in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

Moreover, since generic Claims 1 and 2 are believed to be allowable, rejoinder and passage to issue of the other claims withdrawn from consideration and encompassed within the genus defined by either of Claims 1 and 2, is also respectfully requested.

Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


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